

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIM. ACTION NO. 2:13-CR-46
(BAILEY)**

DENNIS SMITH,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Kaull for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Kaull filed his R&R on January 7, 2014 [Doc. 30]. In that filing, the magistrate judge recommended that this Court grant Defendant's Motion to Suppress Evidence [Doc. 17] as to defendant's statement "It's meth," but deny the Motion as to the items seized pursuant to the search of defendant's residence.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is timely made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the

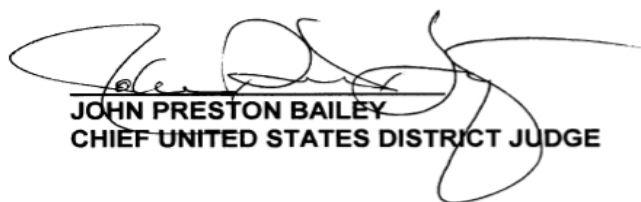
findings or recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaull's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. No objections were filed.

Consequently, this Court hereby **ADOPTS** the magistrate judge's Report and Recommendation [**Doc. 30**] for the reasons stated more fully therein. Defendant's Motion to Suppress Evidence [**Doc. 17**] is hereby **GRANTED** as it pertains to defendant's statement, "It's meth," but **DENIED** as to the items seized pursuant to the search of defendant's residence.

It is so **ORDERED**.

The Clerk is directed to transmit a copy of this Order to counsel of record herein.

DATED: January 30, 2014.


JOHN PRESTON BAILEY
CHIEF UNITED STATES DISTRICT JUDGE